

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Policies and Rules Concerning)	
Unauthorized Changes of Consumers')	
Long Distance Carriers)	
)	CC Docket No. 94-129
Petition for Declaratory Ruling with)	
Respect to Obligation of Local Exchange)	
Carriers to Execute Primary Interexchange)	
Carrier Change Requests with Incorrect)	
Subscriber Information)	

REPLY OF THE RURAL LECS

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February 21, 2006

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SUMMARY

The Rural LECs seek review of a Declaratory Ruling by the Consumer and Governmental Affairs Bureau. The ruling held that the slamming rules prohibit an executing carrier from rejecting a long distance carrier's request for a PIC change where the name of the person ordering the change does not match the name shown on the records of the executing carrier as the subscriber or person authorized by the subscriber to make changes.

The origins of the dispute can be seen in the Commission's decision to expand the definition of subscriber to other persons authorized or legally entitled to act for the subscriber. In expanding the scope of the definition, the Commission relied on its policy of strict liability for assurance that customers would not "lose control over who is authorized to make such decisions on their behalf." The Court of Appeals destroyed this basis by its decision that the Commission could not enforce its strict liability policy against long distance carriers because, unlike local exchange carriers, they lacked the ability to determine the authority of the person placing the order.

After MCI filed informal complaints against the Rural LECs because they had rejected PIC changes ordered by persons not matching the LEC's records, the Rural LECs sought a Declaratory Ruling as to the application of the slamming rules. The Bureau ruled in June, 2005 that the LECs' practice violated the prohibition against verification by executing carriers and amounted to a *de facto* PIC Freeze not instituted in compliance with the PIC freeze rules. The Rural LECs then timely filed this Application for Review and hereby reply to the oppositions to their Application.

The Bureau and the opponents find that the LECs rejection of PIC changes by persons not shown on their records as the subscriber, or otherwise authorized, amounts to verification of the PIC change and is thereby prohibited to executing carriers by Section 1120(a)(2) of the Rules. The rules very specifically define verification as a list of optional methods by which the subscriber confirms that he or she intended to make the change. The Bureau ignored the LECs' point in their Petition that their actions do not come within any of these options. Verizon would have the Commission extend the meaning of verification to any action to confirm the subscriber's intent, but the Court of Appeals made clear that the verification rules mean exactly what they say, no more, no less.

The Bureau and the opponents reject the relevance of the Rural LECs' argument that agency law requires that a third party cannot rely upon the assertions of a person claiming to be an agent, absent some manifestation by the principal of intent to authorize the other to act on his behalf. The opponents claim agency law is irrelevant because the verification by the long distance company has already elicited a statement from the purported agent that he is authorized by the subscriber. But this is exactly the point, a purported agent's claim, by itself, is not a valid basis for finding authorization by the principal.

The Rural LECs do not claim a right to determine whether or not a person is authorized, only to see some evidence of such authority. In the same context a person refused service in a liquor store because he cannot provide identification does not have his age determined by the store clerk, only that he has no identification. The Bureau and opponents would prohibit the Rural LECs from asking for an indication that a stranger is

authorized to act for the subscriber at the same time the Commission has just proposed new rules to ensure that CPNI information is not given to persons not authorized by the subscriber. Whatever the balance in favor of rapid PIC changes was appropriate at a time of intense competition, the market has changed. The two largest long distance carriers announced they would not seek residential business, and then were acquired, with the Commission's blessing, by the two largest local exchange carriers.

The opponents argue for ease of PIC changes, but say that if subscribers really want protection from unauthorized changes, they should request a PIC Freeze, which complicates subscribers' requests for changes. In today's world, where the Commission must deal with issues of real problems of invasion of subscribers' privacy, the proper balance is to allow carriers to protect their subscribers from fraud and mistakes. In any event, because PIC Freezes can be lifted through three-way calls initiated by the long distance company, the Bureau's order weakens the protection of a PIC freeze because the authority of the person requesting the change must be presumed if he can produce minimal information which can be readily obtained.

The Rural LECs request that their Application be granted.

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REPLY OF THE RURAL LECS

The Rural LECs, by counsel, hereby reply to the Oppositions and Comments filed February 13, 2005 with respect to their Application for Review of the Declaratory Ruling issued by the Consumer and Governmental Affairs Bureau ("CGB" or "Bureau") in this proceeding on June 9, 2005.¹ Oppositions or Comments are known to have been filed by

¹ *Implementation of the Subscriber Carrier Selection Change Provision of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumer's Long Distance Carriers, LEC Coalition Request for Declaratory Ruling Regarding Carrier Change Verifications*, CC Docket 94-129, Declaratory Ruling, 20 FCC Rcd 10599 (2005) ("Ruling") The Application for Review was filed July 8, 2005. The Consumer and Governmental Affairs Bureau released a Public Notice seeking comments on December 2, 2005, which was published in the Federal Register on February 1, 2006 with Comments due February 13 and replies February 16, 2006. On February 4, 2006, the Rural LECs filed a Motion for Extension of Time to Reply, pointing out that three days from the comment filing date is unreasonable and that the Bureau should have issued its notice under Section 1.115(d) of the rules which provides ten days for reply. The Rural LECs hereby reaffirm their Motion for Extension of time. Applicants thus request acceptance of this Reply which is being filed on the fifth business day after the comment filing date, without prejudice to their position that they were entitled to ten days for reply pursuant to Section 1.115(d).

AT&T, the Iowa Utility Board (“IUB”), the National Association of State Consumer Advocates (“NASUCA”), Sprint, and Verizon.²

I BACKGROUND

A. Definition of Subscriber

At its core, this dispute is about who is the subscriber, what are the subscriber’s rights to control his or her selection of primary carriers, and how does an executing carrier know when it is acting on behalf of the subscriber in response to a service order from a third party.³ In 2000 the Commission essentially accepted a proposal of SBC (now AT&T) by revising the definition of “subscriber” for Section 258 purposes to be: “The party identified in the account records of a common carrier as responsible for payment of the telephone bill, any adult person authorized by such party to change telecommunications services or to charge services to the account, and any person contractually or otherwise lawfully authorized to represent such party.”⁴ The purpose was to allow customers of record to authorize additional persons to make telecommunications decisions “*while protecting consumers by giving the customers of record control over who is authorized to make such decisions on their behalf.*”⁵

² AT&T styled its filing a “Reply” but states it opposes the Application for Review.

³ The same issues, or close analogs thereto are presented in the Commission’s recently released Notice of Proposed Rulemaking in *Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information, Petition for Rulemaking to Enhance Security and Authentication Standards for Access to Customer Proprietary Network Information*, CC Doc. No. 96-115, FCC 06-10, Feb. 14, 2006 (“CPNI NPRM”).

⁴ *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Regarding Unauthorized Changes of Consumers Long Distance Carriers*, Third Report and Order and Second Order on Reconsideration, 15 FCC Rcd 15996 (2000) Paras. 48-52 (“Third Report and Order”).

⁵ *Id.* at para. 48, emphasis added. Now that Verizon owns MCI, it supports allowing anyone to change a subscribers account. Its predecessor, Bell Atlantic,

The Rural LECs brought their Application for Review because the Commission's Bureau, ostensibly charged with representing the interests of consumers, has taken away what was left of the customers' control the Commission believed would still exist under the revised definition. In adopting a definition of "subscriber" which is effectively "the subscriber or his agent," the Commission believed subscribers would not be harmed because the strict liability previously imposed on submitting carriers for unauthorized changes "provides appropriate incentives for carriers to obtain authorization properly."⁶

The Commission's basis for confidence in its strict liability for consumer protection was soon destroyed by the Court of Appeals. The Court vacated a Commission forfeiture order against AT&T for slamming and ruled the Commission did not have statutory authority to impose strict liability. The Court found that it was "virtually impossible" for a carrier that engages in telemarketing to guarantee that the person who answers the telephone is in fact authorized to make changes to that telephone line.⁷

however, told the Commission in this Docket that spouses should be allowed to make changes, but not children or other household members. Comments of Bell Atlantic on Further Notice, Mar. 18, 1999, p.7. SBC, now AT&T's owner, said its service representative "look[s] at the notes on the service record and asks questions to ascertain the person placing an order is authorized to do so." Comments of SBC Communications, Inc., Mar. 18, 1999, p. 15.

⁶ Id. at para. 51.

⁷ *AT&T Corporation v. FCC*, 323 F.3d 1081, (D.C. Cir. 2003) ("*AT&T*"). The "new" AT&T in its opposition now apparently believes this decision is relevant only to the forfeiture imposed on it. Reply at 3. It is clear, however, that any further attempt to impose strict liability on a submitting carrier would also be vacated. The relevance to executing carriers is explained in Section II, below.

The Court's decision by itself need not have destroyed the Commission's confidence that expanding the definition of subscriber would cause consumers to lose control over their service. The Court recognized that a "customer's current local exchange carrier might be able to verify the subscriber's identity by consulting its own customer records."⁸ The Bureau's Declaratory Ruling has taken that option away. If the Ruling is left standing the Commission will have no basis left for its conclusion that expanding the definition of subscriber will not lead to increased slamming because carriers will no longer have sufficient incentives to ensure only authorized persons are permitted to change carriers. The threat of strict liability for mistaken reliance has been replaced with a conclusive presumption of agency regardless of the absence of any facts upon which to conclude that the person ordering the change possesses such authority.⁹

B. The MCI Complaints

The Rural LECs filed their Petition for Declaratory Ruling following discussions with the Bureau and the Enforcement Bureau in connection with informal complaints filed against them by MCI in 2004.¹⁰ The essentially identical complaints alleged that the Rural LEC's violated Commission rules by rejecting requests for changes in a subscriber's Primary Interexchange Carrier ("PIC") where the person listed as authorizing the change does not match the name shown in the LEC's record as the

⁸ Id., 323 F.3d at 1086.

⁹ The Rural LECs agree that subscribers should be allowed to authorize others to make change to their account, i.e. create an agency relationship; however, as explained in Section III, below, the regular principles of agency law should apply.

¹⁰ File Nos. EB-04-MCIC 0003 through 0064. MCI is now owned by Verizon. MCI separately requested that the Commission preempt a rule of the West Virginia Public Service Commission which allowed only the "customer of record" to verify intrastate PIC change requests. MCI later withdrew its request. *See*, Order, DA 05-2656, Oct. 5, 2005.

subscriber or person authorized by the subscriber to make changes in the account. The Rural LECs returned the PIC change requests in such circumstances, using standard industry codes.¹¹ MCI alleged this practice unreasonably delayed execution of PIC changes and constituted a form of “verification” by an executing carrier, both in violation of Section 64.1120(a)(2) of the Commission’s rules. The Rural LECs denied that their practices violated the Communications Act or the Commission’s rules and subsequently requested a declaratory ruling interpreting the rules.¹²

In its Declaratory Ruling, issued without taking public comment, the Bureau found the Rural LECs practice involved “verification” in violation of Section 64.1120(a)(2) and constituted institution of *de facto* PIC “freezes” without complying with the applicable rules.¹³ The Rural LECs then timely filed their Application for Review.

II REJECTION OF A PIC CHANGE REQUEST WITH NON-MATCHING SUBSCRIBER INFORMATION IS NOT “VERIFICATION”

Despite the apparent purpose and frequent characterization of Section 258 of the Act as prohibiting unauthorized changes, it contains no such prohibition.¹⁴ What is

¹¹ The origin of the codes is described at note 23, below.

¹² *Informal Complaint of MCI*, CC Docket 90 94-129, Answer of the Rural LECs, April 29, 2004

¹³ Ruling at paras 8-10. NASUCA notes, p.2, in its comments that had the Bureau taken public comment, the current record would likely provide more information relevant to public interest considerations. A point the Rural LECs made in their Application at p.2.

¹⁴ The Bureau states: “Section 258...prohibits any telecommunications carrier from submitting or executing an unauthorized change in a subscriber’s selection....” Ruling at para. 2: If this statement of the law were correct, executing carrier’s would be liable when they execute an unauthorized change received from a submitting carrier, but the Third Report and Order says executing carriers are not liable. Third Report and Order at para.

prohibited are changes not in compliance with the Commission's verification rules.¹⁵

The rules also do not prohibit, per se, unauthorized changes, but require only that a submitting carrier choose from a menu of methods to obtain "verification" of a change order. If it complies with the rules, it is, as the court found, not liable even though the verification procedure failed to determine that a change order was, in fact, unauthorized. The *AT&T* decision thus makes clear that "verification" consists of following the specific rules, no more, no less. None of the oppositions directly contradict this point. Verizon's claim that *AT&T* is irrelevant to executing carriers is thus simply wrong.¹⁶

In this context, the Bureau found that LEC rejection of a PIC change purportedly authorized by a person other than the subscriber of record or person known by the LEC to be authorized violates the rule against verification by the executing carrier. In so doing, the Bureau did not even address the Rural LECs' point in their Petition that "verification" consists only of the actions defined in the rules, all of which involve interaction or communication with the subscriber.¹⁷

Rejection because the change order is from a person other than the subscriber of record or known agent is simply not addressed anywhere in the rules. The Bureau is thus unable to point to any provision of the rule that applies on its face to such action, even if it believes the action should be prohibited. The oppositions do not refute this threshold

51. The Court in *ATT* said submitting carriers have not violated the law or rules if they have complied with the verification rules.

¹⁵ The rules define "unauthorized change" as a change made without authorization verified in accordance with the verification rules. Thus when a carrier submits a change requested by a person who is, in fact, unauthorized, but claims falsely during the verification process to be authorized, the change is not an unauthorized change under the rules. 47 C.F.R. 64.1100(e). Third Report and Order at para. 51.

¹⁶ Verizon at 5.

¹⁷ Petition at 14.

point.¹⁸ AT&T asserts that because the verification rules require it to “elicit” confirmation that the person ordering the change is authorized, then any other questioning of that authority must also be verification.¹⁹

Besides being a logical and semantic *non sequitur*, the Court in *AT&T* made clear that because executing carriers have subscriber records, they are in a position to do what submitting carriers are not. The Court in *AT&T* ruled that carriers cannot be punished for not taking action in addition to that required by the statute and rules, but recognized executing carriers do have records which may indicate whether persons other than the subscriber-of-record have been authorized to order changes.

Contrary to Verizon’s claim, the Rural LECs do not admit their practice amounts to verification.²⁰ Verizon contends incorrectly and inconsistently that the “verification” prohibited to executing carriers by Section 64.1120(a) encompasses any action which may perform the function of determining whether the subscriber of record authorized the change, but that the word “verification” applied in the same section to submitting carriers means only the actions specified in the rules.²¹ As the Court in *AT&T* made clear, the only valid verification is what the rules specify. The Iowa Utilities Board, points out that the Rural LECs actions do not violate the proscription on verification because they do not involve the customer, which involvement exists in all options for verification.²²

¹⁸ Sprint states (p. 4) it is less concerned with the potential for self-serving behavior by LECs than about inconvenience and delays. The Rural LECs have emphasized throughout that their rejections are made promptly and that corrections are executed promptly. The Bureau, however, explicitly declined to consider whether the minor delay was unreasonable. The issue is therefore not before the Commission.

¹⁹ AT&T at 4.

²⁰ Verizon at 3.

²¹ Verizon at 4

²² Iowa Utilities Board at 2.

It is not contested that executing carriers must consult their subscriber accounts before executing a PIC change for a number of reasons, all of which are routinely identified with standard industry codes in the rejection methods.²³ The Rural LECs found, for example, that many PIC changes submitted by MCI were for accounts already MCI subscribers. Many others were rejected where the subscribers had PIC freezes, the numbers were not assigned to the LEC, or the numbers were not subject to PIC designation. Commonly, rejections for these reasons, as well as subscriber account mismatch, constituted a substantial portion of the total number of changes received, despite the fact that they had all purportedly been through one of the verification processes.

The substantial error rate for submitted changes demonstrates the even where submitting carriers purport to follow the verification procedures, many changes that the actual subscriber would not have approved are nevertheless submitted. The fact that there is no claim that rejection for reasons other than mismatch with the subscriber record is “verification,” demonstrates that consulting subscriber records before executing a change does not constitute verification. There is no basis in the rules to find some rejections are verifications and others are not.

²³ The Transaction Code Status Indicators were developed by the Ordering and Billing Forum (“OBF”) of the Alliance for Telecommunications Industry Solutions (“ATIS”). During at least part of the period of this controversy, MCI and Sprint representatives were cochairman of the OBF.

III REFUSAL TO RELY ON AN UNSUPPORTED CLAIM OF AGENCY BY THE PURPORTED AGENT DOES NOT CONSTITUTE DETERMINATION THAT THE PERSON IS UNAUTHORIZED

The Rural LECs' Petition explained in some detail the principles of agency law that are applicable to a situation where third parties are called upon to rely on statements of a person purporting to act on behalf of another.²⁴ The most important principle being that generally a third party cannot hold one person responsible for the acts of another if the first person has not exhibited some manifestation of intent to appoint the other as agent. Applying this principle to PIC change orders, the Petition argued that the fact that a person may answer a subscriber's telephone when a telemarketer calls is not a sufficient basis conclusively to presume that the subscriber authorized that person to make changes to the subscriber's account. It is common experience, nowhere contradicted in the record, that no one intends by the sole act of permitting or requesting another to answer his or her telephone to be thereby authorizing that person to make changes to their account.²⁵

The Bureau concluded, however, that "this argument fails," apparently because the executing carrier has already elicited information from the purported agent that the person was authorized. The Bureau failed, however, to acknowledge, as it must, that there is no basis in law or fact for finding the mere statement of the purported agent to be any indicia of actual agency. Verizon asserts that agency law is irrelevant because the

²⁴ Petition at 11-14.

²⁵ The Commission pointed out in the VOIP E911 proceeding that it is common for persons other than the subscriber-of-record to use the telephone in the subscriber's house. *E-911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116, Jun. 2, 2005.

authority of the person ordering the change has already been verified.²⁶ The authority of that person has been “verified” only by asking the person claiming to be an agent, but that does not make that person an “apparent agent” absent some manifestation from the subscriber-of-record. NASUCA supports the Rural LECs’ agency law argument.²⁷

The Commission, of course, has no authority to change substantive agency law, and the Rural LECs do not read its rules and decision to purport to have such effect. The Bureau, along with the opponents, however, first mischaracterizes the Rural LECs as asserting a right to make an independent determination whether or not the person ordering the change is an authorized agent of the subscriber.²⁸ The Rural LECs make no such claim, rather they only assert a right to refuse to make changes where there are no indicia that the person claiming to be authorized actually has been.

This nuance may have escaped the Bureau, and the opponents choose to ignore it, but it is critical from both an agency law and public policy perspective.²⁹ When a buyer is refused a sale by a liquor store clerk because the buyer has no proof of age, the clerk is not determining the person’s age, only requiring proof. There are multiple similar examples in daily life where people are required to document who they say they are, or

²⁶ Verizon at 4. Despite asserting agency law is irrelevant, Verizon also claims that rejection of a PIC change is interference with its agency relationship with the customer who has ordered a change. *Id.* A submitting carrier may well be the agent of the person who ordered the PIC change, but if that person is not the subscriber as defined by the rules, the executing carrier has no duty to that person and commits no tortious interference by rejecting the change.

²⁷ NASUCA at 3.

²⁸ Ruling at para. 8.

²⁹ AT&T, p. 3, states the distinction is immaterial, but goes on to state that the Rural LECs want to determine independently if their customer authorized a carrier change. AT&T is wrong on both counts. The distinction between not changing an account on the request of a person not the subscriber of record and determining whether a subscriber requested a change is both real and material.

that they are authorized to act for another person. The apparent failure of some carriers to determine the identity or authority of persons requesting subscriber records is the precise motivation for the Commission's conclusion in the CPNI NPRM that explicit identity protections may need to be added to the CPNI rules.³⁰ Similar controls are imposed for number portability.³¹

The effect of the Bureau's Ruling is to say: "Unauthorized changes will happen, when they do the executing carrier isn't liable and the subscriber just has to put up with the hassle of getting his or her account straightened back out again."³² This strikes a balance that is fundamentally anti-consumer. The Commission has proposed new CPNI rules in order to protect subscribers account data from unauthorized persons who have apparently been making a good living impersonating subscribers. It would be unseemly for the Commission on the one hand to adopt substantial new regulations requiring carriers to increase security of account data, while simultaneously refusing to allow the Rural LECs to protect the substantive aspects of a customer's service from change ordered by persons not known to be authorized.

IV REJECTION OF CHANGES FOR INCORRECT INFORMATION DOES NOT CONSTITUTE A *DE FACTO* PIC FREEZE

- A.** Subscribers should be able to feel confident no change in their accounts will be made without their authorization without having to institute a freeze.

³⁰ See, e.g., CPNI NPRM at para. 13.

³¹ The Bureau's FAFQ on Wireless Local Number Portability tells consumers that if they want to port their number to a new carrier, that carrier will first confirm the consumer's identity. The Bureau recommends consumers take recent bill from their existing carrier to the new carrier. <http://www.fcc.gov/cgb/NumberPortability>.

³² See, e.g., Sprint at 2.

The Bureau ruled, and the Opponents agree, that subscribers who are concerned about unauthorized changes to their accounts should simply request a PIC freeze. This position is misguided and inconsistent with the purported rationale for ruling against the Rural LECs. On the one hand the Bureau and Opponents say the Commission should be less concerned with the risk of unauthorized changes and instead promote the convenience of easy PIC changes by ensuring that subscribers need not go through the bother of informing their LEC as to what other persons they may have authorized to make changes to their service. On the other hand, the Bureau and Opponents say subscribers who don't want unauthorized changes to their accounts should order PIC freezes, which are more restrictive of subscribers' freedom to make changes.

There once was a time when there was at least an argument for a policy favoring implementation of carriers changes as rapidly as possible, and correcting mistakes afterward, but the long distance market has changed significantly.³³ Since the dot-com bust, the collapse of MCI's financial house of cards, and the announcement by AT&T and MCI that they would no longer contest the retail residential market, the Commission has permitted the two largest ILECs to buy the two largest IXCs. Further, in a new age of massive identity theft, with its proposed new CPNI rules, the Commission has recognized that protection of consumers from fraud and error must be given a much higher priority than it has in the past.

³³ The Commission's efforts to promote long distance competition resulted in massive slamming of consumers by many parties, including two of the principal opponents, AT&T and MCI.

B. The Ruling Weakens PIC Freezes

The other problem with the “let them do PIC Freezes” approach supported by the Bureau and the Opponents is that the conclusive presumption of authority of whoever answers the subscriber’s telephone, means that unauthorized persons can also lift PIC freezes with only slightly more effort. Section 64.1190(e) provides that the subscriber can request lifting of a PIC freeze by written or electronically signed authorization, or an oral authorization, including allowing a submitting carrier to conduct a three way call with the LEC and the subscriber.³⁴ Since the subscriber is defined to include anyone authorized by the subscriber and the IXC will presumably have elicited a statement of authority from the person ordering the change, under the Bureau’s ruling the LEC cannot refuse to lift the PIC freeze when the person on the three way call is not the subscriber of record. Thus the ruling defeats the protection claimed for the PIC freeze, which protection was relied upon as a reason for allowing anyone to claim to be the subscriber’s agent without contradiction.

V. CONCLUSION

The Rural LECs, with a few thousand subscribers each, operate in a very different world from the multi-billion dollar corporations that want the Commission to protect their rights to gaining business through telemarketing pitches to persons not authorized by the

³⁴ Sprint asserts, p.4, that it is unlikely that an unauthorized person would go to the trouble of contacting the LEC to lift the freeze, or have date of birth or social security number information of the subscriber. Section 64.1190(e)(2) requires the LEC to permit the IXC to conduct a three-way conference call so that the unauthorized person need not take the initiative, and date of birth and social security number will often be known or available to a person with access to the subscriber phone. In fact, as the CPNI NPRM makes clear, imitating a subscriber has become so easy several business have been built on doing just that.

person actually paying the bill. The Rural LECs acknowledge that they don't have the statistical data which NASUCA would like to see for a comprehensive public interest evaluation, but they are even collectively such a small part of the industry that no data they gathered would be of any statistical significance for the country as a whole. The Rural LECs don't want to change the world, they just want to be able to continue the trusting relationship they have built with their neighbors over the last fifty or a hundred years. In short, the Rural LECs believe the law and sound public policy permit them to respond to a change request ordered by Sam Smith for John Jones' number with a statement that they will execute it as soon as they receive an indication from Jones that Smith is his agent. NASUCA was correct in stating that the effect of the ruling is that "carriers are required to slam consumers, when the person initiating the slam asserts authority."³⁵

The Application for Review should be granted for the reasons stated above.

Respectfully Submitted

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February 21, 2006

³⁵ NASUCA at 3.

Appendix A

THE RURAL LECS

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Armstrong Telephone Company North
Armstrong Telephone Company Northern Division
Armstrong Telephone Company Pennsylvania
Armstrong Telephone Company West Virginia
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Calaveras Telephone Company
Cascade Utilities
Central Montana Telephone Company
Chibardun Telephone Cooperative, Inc.
Chickasaw Telephone Company
Citizens Telephone Company of Higginsville
Clay County Rural Telephone Cooperative
Concord Telephone Company
CTC Telcom, Inc.
Darien Telephone Company
DTC Communications
Egyptian Telephone Cooperative
Hardy Telephone Company
Lackawaxen Telecommunications Services, Inc.
Lockhart Telephone Co.
Loretto Telephone Company
Mid-Century Telephone Company
Nicholville Telephone Company, Inc.
North Central Telephone Cooperative, Inc.
North East Nebraska Telephone Company
North-Eastern Pennsylvania Telephone Company
Peoples Telephone Company
Poka Lambro Telephone Cooperative
Public Service Telephone Company
Siskiyou Telephone Company
Smart City Telecom
Triangle Telephone Cooperative Association
United Telephone Company
Volcano Telephone Company
Washington County Rural Telephone Cooperative

Certificate of Service

I, David Cosson, certify that copies of the foregoing Reply of the Rural LECs were served on the following parties by electronic mail on February 21, 2006.

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